

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 NSC-05 CIAE-00 INR-10 NSAE-00  
PM-05 DODE-00 MCT-01 SY-05 ACDA-12 IO-13 L-03  
SP-02 PA-01 /085 W  
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R 191456Z JUN 78  
FM USMISSION USBERLIN  
TO SECSTATE WASHDC 7071  
AMEMBASSY BONN  
INFO AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
USMISSION USNATO  
AMCONSUL BREMEN  
AMCONSUL DUSSELDORF  
AMCONSUL FRANKFURT  
AMCONSUL HAMBURG  
AMCONSUL MUNICH  
AMCONSUL STUTTGART

C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 1445

E.O. 11652: GDS  
TAGS: PGOV, PINS, AKB, BQG  
SUBJECT: GROWING CRITICISM OF JUSTICE SENATOR BAUMANN'S  
FAILURE TO RESIGN AFTER TILL MEYER JAILBREAK

REF: USBER 1253

SUMMARY. MAYOR STOBBE'S RETENTION OF JUSTICE SENATOR  
BAUMANN FOLLOWING THE JUNE 2 MOVEMENT PRISON BREAK MAY BE  
BACKFIRING. PRESS CRITICISM OF STOBBE AND BAUMANN IS IN-  
CREASING ALMOST DAILY AND MAY GO ON FOR A LONG TIME, SINCE  
THE CDU WOULD LIKE TO DRAG OUT THE PARLIAMENTARY INVESTIGA-  
TION INTO THE FALL. HOWEVER, STOBBE CANNOT EASILY CUT  
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LOSSES AND DISMISS BAUMANN SO LONG AS THE FDP INSISTS, AS  
IT STILL DOES, THAT HE BE RETAINED AS A MATTER OF PARTY  
PRESTIGE. END SUMMARY.

1. AS PREDICTED, GOVERNING MAYOR STOBBE SUCCESSFULLY  
PASSED THE STRAITS OF THE CDU MOTIONS ON JUNE 3 OF NO-  
CONFIDENCE BASED ON THE PRISON ESCAPE OF TILL MEYER. HE

HAD THE POWER OF THE COALITION VOTES, AND TOUGHED IT OUT. BUT HE TOLD US ON JUNE 6 THAT THE UNFAVORABLE PRESS AND PUBLIC OPINION WHICH HE WAS RECEIVING FOR HIS RETENTION OF JUSTICE SENATOR BAUMANN WAS ALMOST UNENDURABLE. IT WAS SOMETHING, HOWEVER, THAT HE HAD TO TAKE AS A PRICE OF KEEPING THE BERLIN FDP PROPPED UPRIGHT AFTER ITS SHOCKS OF JUNE 4 IN LOWER SAXONY AND HAMBURG.

2. AT THE TIME WE TALKED TO HIM, STOBBE WAS ADDITIONALLY DEPRESSED BY THE FACT THAT THE ORIGINAL OFFICIAL VERSION (GIVEN BY BAUMANN AT THE INITIAL PRESS CONFERENCE) OF THE FINAL BREAKOUT FROM ENTRANCE ONE OF MOABIT WAS WRONG. BAUMANN AT THAT TIME STATED THAT THE ABDUCTED PRISON WORKER WAS SHOT BY THE ABDUCTIONISTS AS A COLD THREAT TO FORCE THE OPENING OF THE FINAL BARRIER. THE OPENING UNDER THIS PRESSURE WAS DEFENDED BY BAUMANN AS "PERHAPS HARD TO CRITICIZE." STOBBE SAID, HOWEVER, THAT THE GATE GUARD HAD IN FACT ALREADY OPENED THE GATE, AND THAT THE PRISON WORKER WAS THEN SHOT TO PREVENT HIM FROM FOLLOWING THE CRIMINALS. THE REAL VERSION HAS NOW BEEN PRINTED BY STERN OF LAST WEEK; ALTHOUGH SOME SENAT OFFICIALS BELIEVE THIS MAY HELP BAUMANN BY SHOWING THAT IT WAS THE COWARDICE OF ONE GUARD AND NOT A FAILURE OF THE SYSTEM WHICH LED TO THE BREAKOUT, OTHER OBSERVERS BELIEVE THE REVELATION OF THE REAL VERSION WILL RAISE FURTHER QUESTIONS ABOUT BAUMANN'S COMPETENCE AND ADD MORE PRESSURE FOR HIM TO RESIGN.  
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3. SO FAR THE DISCREPANCY OF ESCAPE VERSIONS, ALTHOUGH ITS SIGNIFICANCE HAS BEEN POINTED OUT TO US BY SPRINGER REPORTERS, HAS NOT BEEN FOCUSED ON EITHER BY THE LOCAL PRESS OR BY OPPOSITION POLITICIANS. WE SURMISE THEY ARE WAITING FOR IT TO EMERGE IN THE MORE DAMAGING GUISE OF AN OFFICIAL "FINDING" OF THE PARLIAMENTARY INVESTIGATORY COMMITTEE. IF THE CDU HAS ITS WAY THE INVESTIGATION WILL STRETCH INTO THE FALL. THE COALITION PARTIES HOPE TO WRAP IT UP BEFORE THE SUMMER PARLIAMENTARY RECESS IN JULY.

4. THE SPD GOT A SHORT UPLIFT ON JUNE 5 WITH THE ARREST OF A PREVIOUSLY UNKNOWN JUNE 2 MOVEMENT TOUGH WITH PROVEN RECENT CONNECTIONS TO THE PRESUMED WOMEN PRISON DELIVERERS VIET AND ROLLNICK. WE HAVE HEARD THAT STOBBE HAS DEMANDED THAT THE POLICE PRODUCE ONE SUCH "MIRACLE" PER WEEK FROM NOW ON. THE MIRACLE OF LAST WEEK, HOWEVER, IS STILL OUTSTANDING.

5. IN THE MEANTIME, HOPEFULLY TO INCREASE ITS CHANCES OF PRODUCING SUCH MIRACLES, THE GOVERNMENT HAS PETITIONED FOR AND A COURT HAS DECLARED A SUB-STATE OF EMERGENCY FOR NINETY DAYS UNDER PARAGRAPH 111 OF THE ANTI-TERROR LAW. ACCORDING

TO SPIEGEL, THIS IS THE FIRST SUCH STATE OF EMERGENCY SET IN FORCE IN GERMANY SINCE 1945. THE LEGAL PROVISION PERMITS THE SIMPLIFIED CHECKING OF IDENTITIES OF CITIZENS IN CAR OR ON FOOT, AND THE RAIDING WITHOUT WARRANT OF ALL QUARTERS IN A SUSPECTED APARTMENT BLOCK.

6. IN SPITE OF BIG INITIAL PRONOUNCEMENTS, THE POLICE CHECKS HAVE BEEN RATHER MODEST, AND ARE CURRENTLY COVERING ABOUT 500 TO 1000 CITIZENS PER DAY. THEY HAVE PRODUCED FEW RESULTS EXCEPT TO IRRITATE THE PUBLIC.

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C O N F I D E N T I A L SECTION 2 OF 2 USBERLIN 1445

7. THE FDP IS DOING LITTLE TO HELP STOBBE, TO ENHANCE ITS OWN STANDING, OR TO CLARIFY ITS POSITION ON KEEPING BAUMANN. ON JUNE 13 THEY HELD A LANDESVORSTAND MEETING WHICH WAS HEAVILY COVERED BY MEDIA. THE TV COVERAGE OF JUNE 13 STATED THE PARTY WAS NOW ON THE VERGE OF REVERSING ITS EARIER POSITION, AND MAJORITY OPINION WANTED BAUMANN TO RESIGN. THE WELT OF JUNE 14 CARRIED AN EMPHATIC DENIAL OF THIS BY PARTY CHAIRMAN MAYOR LUEDER. LUEDER EVEN BELITTLED STOBBE'S SOMEWHAT PROVISIONAL SUPPORT OF BAUMANN

BY ASSERTING THAT HE (LUEDER) HAD "STUDIED THE AFFAIR MORE THOROUGHLY THAN STOBBE."

8. THE PROBLEM IS THUS NOT GOING AWAY FOR STOBBE. EVEN  
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WORSE, JOACHIM BOELKE, IN THE TAGESSPIEGEL FRONT PAGE SUNDAY EDITORIAL OF JUNE 10, GAVE "WARNINGS" TO STOBBE. HE RIDICULED STOBBE'S ARGUMENT THAT SENATOR BAUMANN SHOULD NOT "AUTOMATICALLY" RETIRE FOR A FAILURE OF OMISSION FOR WHICH HE IS NOT PERSONALLY RESPONSIBLE. BOELKE ASSERTED THAT IF THE SENATOR IS RUNNING THINGS, HE IS CLAIMING AND EXERCISING RESPONSIBILITY. IF HE THEN DISCLAIMS RESPONSIBILITY FOR A EPISODE UNDER HIS MANAGEMENT, HE CANNOT CONTINUE TO CLOTHE HIMSELF WITH THE POWERS OF HIS OFFICE. (HE FOLLOWED THIS UP WITH REPROACHES ABOUT STOBBE'S FAILURE TO PURSUE HIS PROMISES TO MAKE THE CITY BUREAUCRACY MORE SERVICEABLE TO CITIZENS.)

9. ANOTHER BLOW TO THE COALITION'S DEFENSE OF BAUMANN APPEARED IN THE FRANKFURTER ALLGEMEINE ZEITUNG OF JUNE 15. A LENGTHY ARTICLE DISCUSSED THE ISSUE OF MINISTERIAL RESIGNATION FOR FAILURES IN THEIR AREA OF RESPONSIBILITY, AND CONCLUDED THAT (A) MINISTER MAIHOFFER AND NORTH RHINE WESTPHALIAN INTERIOR MINISTER HIRSCH WERE NOT RESPONSIBLE FOR BREAKDOWNS IN THE SCHLEYER INVESTIGATIONS, BECAUSE THE FAILURES WERE PERSONAL ONES OF SUBORDINATES, BUT (B) THAT BAUMANN WAS RESPONSIBLE FOR THE TILL MAYER ESCAPE, SINCE IT OCCURRED BECAUSE OF FAULTY PROCEDURES HE HAD CONCURRED IN. THE ARTICLE SAID THAT THINGS ARE "BAD" FOR BAUMANN, AND THAT HE "PRESUMABLY WILL FALL." BERLIN'S DER ABEND OF JUNE 15 ALSO CARRIED A MAJOR ANALYSIS DESCRIBING BAUMANN AS A LIABILITY AND A CAUSE OF GROWING FRICTION BETWEEN THE FDP AND THE SPD, ALSO ON OTHER ISSUES.

10. ON THE OTHER HAND SENAT PRESS SPOKESMAN PETER SOETJE, PERHAPS ENGAGING IN WISHFUL THINKING, REFUTED THE ABEND ARTICLE'S THESIS EVEN AS IT APPEARED ON THE NEWSTANDS. SOETJE TOLD US THAT WHILE IT IS CLEAR THAT THE MOABIT  
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AFFAIR HAS BADLY HURT THE FDP, THE PARTY LEADERSHIP IS GRATEFUL TO STOBBE FOR HAVING STOOD BY THEIR MAN. SOETJE, WHO IS CONSISTENTLY MORE RELAXED ABOUT PRESS CRITICISM THAT STOBBE, EVEN EXPRESSED MILD OPTIMISM THAT THERE WAS AT LEAST A 50-50 CHANCE THAT BAUMANN WOULD SURVIVE

THE PARLIAMENTARY INVESTIGATION WHICH HE BELIEVES COULD BE WRAPPED UP BY THE END OF THE PRESENT HOUSE SESSION IN JULY. THE AFFAIR WOULD THEN RECEDE SOMEWHAT FROM THE PUBLIC CONSCIOUSNESS. IN ANY CASE, SOETJE ARGUED, THE REAL TEST FOR THE FDP WILL COME IN OCTOBER WITH THE HESSE ELECTIONS, NOT BEFORE.

11. COMMENT. STOBBE'S ESTIMATE THAT KEEPING BAUMANN ON WOULD DEFLECT CRITICISM FROM THE SPD, WHATEVER ITS VIABILITY FOR THE INITIAL WEEK, NOW APPEARS TO BE THROWN INTO QUESTION. EVEN THOUGH THE LIABILITY OF KEEPING BAUMANN ON IS GROWING IT IS NOW VIRTUALLY IMPOSSIBLE TO SHED HIM UNLESS SOME "NEW ELEMENT" SUCH AS HITHERTO UNKNOWN FACTS ABOUT THE MOABIT BREAKOUT COME TO LIGHT. IN THE MEANTIME THE JUNE 4 ELECTIONS HAVE SHELL SHOCKED THE FDP ALMOST INTO HYSTERIA, AND IT HAS NOT YET BEEN ABLE TO REACH A FIRM DECISION AS TO WHETHER KEEPING BAUMANN ON OR LETTING HIM GO WOULD DAMAGE THE PARTY'S PRESTIGE MORE. UNTIL SUCH TIME AS THE FDP IS ABLE TO GET ITS ACT TOGETHER (AND THAT MAY BE WEEKS) STOBBE WILL CONTINUE TO BE HANDICAPPED IN DEALING WITH HIS WORST GOVERNMENT CRISIS TO DATE. GEORGE

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## Message Attributes

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